



PUBLIC LANDS: Obama admin, enviros reach settlement in lawsuit over grazing fees

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Environmental groups have reached a draft settlement with the federal government to resolve a lawsuit seeking to raise the cost of grazing on public lands and force additional environmental reviews, according to a recent federal court filing.

The Center for Biological Diversity, the Western Watersheds Project and three other conservation groups have reached a "tentative settlement" with the Interior and Agriculture departments that awaits final approval by Justice Department officials, according to the filing in the U.S. District Court for the District of Columbia.

"The tentative settlement agreement is still working its way through the federal government's approval process, and so I cannot comment on it at this time," said CBD attorney Marc Fink. While the approval process may be taking longer than normal due to the recent holidays, Fink said, "Hopefully it will be soon."

The groups' June lawsuit followed a 2005 petition arguing that rock-bottom fees have encouraged overgrazing on federal lands in the West, threatening to erode watersheds and impair water quality, increase wild-fire risks, spread invasive species and imperil native habitats (Land Letter, Oct. 21, 2010).

Federal agencies currently charge the legal minimum of \$1.35 per month to graze one cow and her calf on federal lands, while private landowners in Western states charge between \$8 and \$23 for the same amount of forage, according to the groups' petition.

The lawsuit is the first attempt by environmentalists in court to force a hike in grazing fees, which have dropped 40 percent on federal lands from 1980 to 2004 at the same time that they increased by 78 percent on private lands, according to a Government Accountability Office report.

The lawsuit demands a response to the petition and urges the government to conduct annual National Environmental Policy Act reviews of the impacts of grazing on public lands.

Ronald Opsahl, an attorney for the Denver-based Mountain States Legal Foundation who represents ranchers in the case, said his clients have been denied the opportunity to participate in the settlement discussions.

"I don't know what the substance of the tentative settlement agreement is," Opsahl said in an e-mail. "I have requested to be included in the discussions, but the plaintiffs and federal defendants have refused my request."

Grazing advocates warn that raising fees would threaten the livelihood of the 22,000 ranchers who graze livestock on 235 million acres of public lands.

Stock growers groups -- citing the Public Rangelands Improvement Act of 1978 -- argue that land management agencies must "charge a fee for public grazing use which is equitable" and "prevent[s] economic disruption and harm to the western livestock industry." The fee formula in the act was kept in place by lands agencies as part of a 1988 environmental review of grazing on public lands. No supplemental environmental reviews have been conducted since then.

"The impact on industry and public lands grazers in the West would be huge if the agencies were required to implement NEPA annually when the fee is calculated," said Dustin Van Liew, federal lands director for the National Cattlemen's Beef Association and executive director of the Public Lands Council, two of roughly two dozen intervenors in the case. "We don't foresee [agencies] being able to complete NEPA annually and don't think it's required either."

Ranchers on BLM and Forest Service lands raise about 3 percent of the beef produced in the United States.